

REMARKS

In accordance with the foregoing, claims 1, 3, 5, 7, 8, and 9 have been amended. Claims 1-9 are pending and under consideration.

REJECTION UNDER 35 U.S.C. § 112:

In the Office Action, at page 2, claim 5 was rejected under 35 U.S.C. § 112, second paragraph, for the reasons set forth therein. This rejection is traversed and reconsideration is requested.

The Office Action rejected dependent claim 5 as being vague for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Dependent claim 5 as amended now further satisfies 35 U.S.C. § 112, second paragraph. Therefore, it is respectfully submitted that dependent claim 5 overcomes the rejection.

REJECTION UNDER 35 U.S.C. § 102:

In the Office Action, at page 3, claims 1-4 and 7-9 were rejected under 35 U.S.C. § 102(b) as being anticipated by Gelman et al. (U.S. Patent No. 5,371,532).

Regarding independent claims 1, 7, 8, and 9 the Office Action asserted that Gelman discloses:

a distribution management unit ... which is provided in each media distribution server ... and which performs both reservation management and distribution management of media distribution in each of the media distribution servers within a scope of utilization right (scripts) distributed or re-distributed by the shared-resource management unit.

(Office Action, page 4, lines 9-13).

In contrast, amended independent claim 1 recites, "a distribution management unit reserving a part of the shared resources allocated or re-allocated by the shared-resource management unit and distributing the part of the shared resources to each of the media distribution servers" (claim 1, lines 10-14) which is supported by the embodiment of the invention described at page 44, line 20 to page 46, line 15 of the application. By reserving and distributing part of the shared resources to each media distribution server, a content distributor can allocate the shared resources in the network for distribution of content based on expected traffic load in the network and servers at a future time. As a result, viewers avoid missing opportunities to

watch programs whenever traffic is heavy; and when distributors deliver advertisements, the distributors can optimize the distribution of advertisements.

Gelman neither teaches nor suggests any kind of reservation system in a content distribution system. Therefore, it is respectfully submitted that amended independent claim 1 patentably distinguishes over the prior art. Claims 2-4 depend from amended independent claim 1 and inherit the patentable features thereof. It is respectfully submitted that dependent claims 2-4 patentably distinguish over the prior art.

Amended independent claims 7-9 recite, "reserving (to reserve) a part of the shared resources allocated or re-allocated ... and distributing (distribute) the part of the shared resources to each of the media distribution servers;" where the ellipsis (...) is only relevant to claim 8 and the parentheticals are used in claim 9 in place of the words preceding the parentheticals. Therefore, it is respectfully submitted that claims 7-9 patentably distinguish over the prior art.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action, at page 8, claim 5 was rejected under 35 U.S.C. §103 as being unpatentable over Gelman et al. in view of Waters (U.S. Patent Application Publication No. 2002/0052876).

As noted above, amended independent claim 1 patentably distinguishes over Gelman. Claim 5 depends from amended independent claim 1 and inherits the patentable features thereof. Therefore, it is respectfully submitted that claim 5 also patentably distinguishes over Gelman taken alone. Nothing was cited in or has been found in Waters suggesting the addition of a reservation system in content distribution systems as taught by Gelman. Thus, it is respectfully submitted that dependent claim 5 patentably distinguishes over Gelman in view of Waters.

In the Office Action, at page 9, claim 6 was rejected under 35 U.S.C. §103 as being unpatentable over Gelman et al. in view Saito et al. (U.S. Patent No. 6,275,941).

As noted above, amended independent claim 1 patentably distinguishes over Gelman. Claim 6 depends from amended independent claim 1 and inherits the patentable features thereof. Therefore, it is respectfully submitted that claim 6 also patentably distinguish over Gelman taken alone. Nothing was cited in or has been found in Saito suggesting the addition of a reservation system in content distribution systems as taught by Gelman. Thus, it is respectfully submitted that dependent claim 6 patentably distinguishes over Gelman in view of Waters.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. Further, all pending claims patentably distinguish over the prior art. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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